



United States Environmental Protection Agency

Region I

5 Post Office Square, Suite 100

Boston, MA 02109-3912

URGENT MATTER -- PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

MAR 10 2016

Ms. Valerie A. Connelly, Plant Manager
UPACO Division, Worthen Industries, Inc.
3 East Spit Brook Road
Nashua, NH 03060

RE: NOTICE OF VIOLATION of the Resource Conservation and Recovery Act (RCRA), the Hazardous and Solid Waste Amendments of 1984 (HSWA), and the State of New Hampshire Revised Statutes Annotated (RSA), Chapter 147-A, and its implementing regulations, Env-Hw Parts 100-1114

Dear Ms. Connelly:

On May 8, 2015, representatives of the United States Environmental Protection Agency ("EPA") conducted a RCRA Compliance Evaluation Inspection. The purpose of this inspection was to determine the compliance of UPACO Division, Worthen Industries, Inc. ("UPACO"), EPA ID No. NHD001038348, with the State of New Hampshire regulations Env-Hw Parts 100-1114, and the federal Hazardous Waste Management Regulations found at 40 CFR Parts 260-272. The State of New Hampshire has been granted final authorization by EPA to administer certain portions of RCRA.

As a result of the inspection noted above, EPA has determined that your facility violated certain provisions of Env-Hw 100-1114 and the RCRA regulations, promulgated at 40 CFR Parts 260 through 272. The violations are set forth below:

1. Failure to ensure that facility personnel take part in an annual review of the initial program of training, as required by Env-Hw 509.01(c), which references Env-Hw 509.02(a)(2), which incorporates by reference 40 CFR 265.16(c).

Specifically, EPA only saw proof of a 3/29/12 NHDES Hazardous Waste Coordinator Certification training for Wayne Gibson, someone whose title (i.e., Safety Manager) is identified as having major emergency response duties in the Facility's 7/20/2010 contingency plan.

2. Failure of the contingency plan to list the names of all persons qualified to act as emergency coordinator, and where more than one person is listed, name one as primary emergency coordinator and others listed in the order in which they will assume responsibility as alternates, as required by Env-Hw 509.01(c), which references Env-Hw 509.02(a)(5), which incorporates by reference 40 CFR 265.52(d).

Specifically, the plan fails to identify the names of individuals responsible for implementing the plan and executing the various emergency response actions. Instead, the plan describes multiple unnamed facility personnel (identified only by titles not associated with the primary or alternate emergency coordinators) as having specific responsibilities to implement the plan. At other times, the plan describes response actions but does not identify who (by name or title) is responsible to do them.

3. Failure to label a container of used oil with the words "Used Oil for Recycling," as required by Env-Hw 807.06(b)(4);
4. Failure to provide proof that used oil meets specification used oil standards, off-specification used oil standards, or if the used oil exceeds the standards for specification and off-specification, as required by Env-Hw 807.02 through Env-Hw 807.04; and
5. Failure of the generator to post, at the nearest telephone to each hazardous waste storage area, the telephone number(s) where the emergency coordinators can be reached, as required by Env-Hw 509.02(b)(1).

Specifically, the emergency posting was located in the middle of a chain that delineated the hazardous waste storage area, as opposed to being posted at the nearest telephone.

Immediately upon receipt of this NOTICE:

UPACO must address the requirements set forth above and must immediately begin and continue to operate in compliance with all applicable Federal and State regulations.

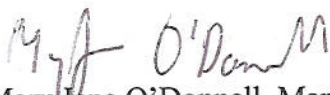
Within (30) thirty calendar days of receipt of this NOTICE, submit a written description, with supporting documentation, of the actions taken to address items 1 through 5, above.

Submit the information to:

Susann D. Nachmann, Environmental Engineer
U.S. Environmental Protection Agency
Office of Environmental Stewardship (OES05-4)
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

Failure to correct the violations as required by this NOTICE may subject UPACO to further Federal enforcement action, including the assessment of penalties, pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928. If you have any questions regarding this NOTICE, please contact Susann D. Nachmann, of my staff, at (617) 918-1871.

Sincerely,


Mary Jane O'Donnell, Manager
RCRA, EPCRA & Federal Programs Unit

cc: John Duclos, NHDES

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece. 		A. Signature <i>X Linda Marcotte</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
		B. Received by (Printed Name) <i>Linda Marcotte</i>	C. Date of Delivery <i>3/14/16</i>
1. Addressee Ms. Valerie A. Connelly, Plant Manger UPACO Division, Worthen Industries, Inc. 3 East Spit Brook Road Nashua, NH 03060		address different from item 1? <input type="checkbox"/> Yes or delivery address below: <input type="checkbox"/> No	
		3. Service type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service lab) 7011 2970 0004 0273 2133			
PS Form 3811, July 2013 Domestic Return Receipt			

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Ms. Valerie A. Connelly, Plant Manger UPACO Division, Worthen Industries, Inc. 3 East Spit Brook Road Nashua, NH 03060	
PS Form 3800, August 2006 See Reverse for Instructions	